

Notice of Allowability

Application No.

09/883,512

Examiner

Gordon J Stock

Applicant(s)

AMARA ET AL

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed August 7, 2003
2. ☒ The allowed claim(s) is/are 1-18 and 20
3. ☒ The drawings filed on 07 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Allowable Subject Matter

1. The drawings were received on August 7, 2003. These drawings are acceptable.
2. Applicant's arguments, see Remarks pages 8-11, filed August 7, 2003, with respect to the claims have been fully considered and are persuasive. Due to the persuasive argument and the subsequent amending of the claims the rejection of **claims 18 and 20** under 35 U.S.C. 102(b), **claims 1 and 16** under 35 U.S.C. 112 2nd paragraph and **claims 1, 2, 4/1, 4/2, 5/1, 5/2, 6/1, 6/2, 7/1, 7/2, 8/1, 8/2, 9/1, 9/2, 11/1, 11/2, and 19** under 35 U.S.C. 103(a) have been withdrawn.
3. **Claims 1-3, 4/1-12/1, 4/2-12/2, 4/3-11/3, 13, 14, 15/13-16/13, 15/14-16/14, 17, 18, and 20** are allowed.
4. The following is an examiner's statement of reasons for allowance:

As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for the simultaneous determination of a sample thickness L and index of refraction n, forming said sample with a first and a second surface, wherein the first and second surfaces are substantially locally flat, in combination with the rest of the limitations of **claims 1, 4/1-12/1**.

As to **claim 2**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for the simultaneous determination of a sample thickness L and index of refraction n, reflecting a radiation beam at a first incidence angle A_1 , in combination with the rest of the limitations of **claims 2, 4/2-12/2**.

As to **claim 3**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for the simultaneous determination of a sample thickness and index

of refraction the particular steps a-c, in combination with the rest of the limitations of **claims 3, 4/3-11/3**.

As to **claim 13**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for the simultaneous determination of a sample thickness and index of refraction the particular steps c-e, in combination with the rest of the limitations of **claims 13, 15/13, 16/13, and 17**.

As to **claim 14**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for the simultaneous determination of a sample thickness and index of refraction the particular steps c and d, in combination with the rest of the limitations of **claims 14, 15/14, 16/14 and 17**.

As to **claim 18**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a system for the simultaneous determination of a sample thickness L and index of refraction n the particular measuring means of d and the particular means for outputting of e, in combination with the rest of the limitations of **claims 18 and 20**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent 4,672,196 to Canino.

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Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 872-9306

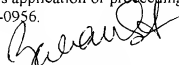
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (703) 305-4787.

The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


gs

October 29, 2003


Zandra V. Smith
Primary Examiner
Art Unit 2877